

DOCUMENT NO. 5052
ADOPTED 6/9/88

HOUSING AND EMPLOYMENT AGREEMENT

AGREEMENT by and among TREMONT ONE LIMITED PARTNERSHIP, a Massachusetts limited partnership, TREMONT TWO LIMITED PARTNERSHIP, a Massachusetts limited partnership (collectively the "Developer") and the BOSTON REDEVELOPMENT AUTHORITY (the "Authority"), a body politic and corporate created pursuant to Chapter 652 of the Acts of 1960, made this ____ day of June, 1988.

WHEREAS, the Developer shall construct (i) Parkside at 165 Tremont Street, a 121 unit condominium housing project with ground level retail and accessory parking uses at 165 Tremont Street (the "165 Project") and (ii) Parkside at 172 Tremont Street, a 38 unit condominium housing project with ground level retail and accessory parking uses at 172 Tremont Street (the "172 Project") (the 172 Project and the 165 Project are hereinafter collectively called the "Projects").

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained the parties agree as follows:

1. **Approval Status of the Projects.** The Authority and the Developer acknowledge and agree that with respect to the 165 Project the Developer has satisfied the draft stage required by Article 31 and that the Developer and the Authority will complete the said Article 31 process a copy of which is attached as Exhibit A. The Authority and the Developer acknowledge and agree that the 172 Project is subject to the Development Review Procedures attached hereto as Exhibit B. The Authority further acknowledges that delays in the Article 31 process or in the Development Review Procedures may be critical to the cost of developing the Projects and agrees that the Authority shall act in a prompt and timely manner in connection with both the Article 31 process for the 165 Project and with respect to the approval process of Schematic Design Review, Design Development and Final Working plans.
2. **Authority's Cooperation.** The Authority will cooperate with the Developer (in the same manner and to the same extent as under the 1986 agreement by and between the Developer and the Authority regarding Parkside at 170 Tremont Street) in efforts a) to obtain the issuance of the variances necessary to complete the Projects in accordance with the Authority's vote of June ____, 1988, b) its efforts to obtain the approval of the Public Improvement Commission necessary to implement the projects as approved by the Authority and c) to obtain other state and municipal approvals and permits which are necessary to complete the Projects as approved by the Authority.
- 3.1 **Housing for Homeless Subsidy.** The Developer shall pay to the

Housing and Employment Agreement

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Authority to be used by either the Authority or a designee of the Authority approved by the Developer (with such approval to be not unreasonably withheld) for purposes of aiding the homeless the sum of Fifty Thousand (\$50,000.00) Dollars with such payment to be due and payable upon the issuance of a building permit for the 172 Project by the Inspectional Services Department.

3.2 Affordable Housing Grant. The Developer shall pay a Four Hundred Fifty Thousand (\$450,000.00) Dollars housing grant for the designated purpose of developing low and moderate income rental housing or low and moderate income owner occupied housing in the Chinatown Neighborhood district (the "Housing Grant Area") subject to and in accordance with the terms hereinafter set forth (the "Housing Grant").

a. Affordable Housing Subsidy. The Developer shall construct in the Housing Grant Area low and moderate income rental housing or low and moderate income owner-occupied housing ("Subsidized Housing") providing a net subsidy (defined as the net out-of-pocket costs of the developer which shall not include any developers fees but which may include reasonable overhead and out-of-pocket expenses attributable to the Subsidized Housing) in the amount of Four Hundred Fifty Thousand Dollars (\$450,000.00) (the "Subsidy"). The Developer shall submit a plan for constructing or otherwise providing the Subsidized Housing within 120 days of the date of this Agreement, and such plan shall be subject to the approval of the Authority. The Developer shall use all reasonable efforts to commence or cause commencement of construction of such Subsidized Housing within twelve (12) months of the issuance of a certificate of Use and Occupancy for the 165 Project. In the event the Developer shall not have site control (evidenced by either a legally binding right to acquire or by the designation as developer of the land) for the Subsidized Housing on or before the closing of the sale of the 95th residential unit of the 165 Project, then the Authority shall have the option to either (i) extend such timetable, or (ii) to require the Developer to withdraw as developer of the Subsidized Housing and pay the Subsidy in cash as hereinafter provided. The failure to commence construction of the Subsidized Housing within twelve months from the issuance of a certificate of Use and Occupancy for the 165 Project period shall give the Authority the option to either (i) extend such timetable, or (ii) to require the

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Developer to pay the Subsidy as provided in the next sentence. In order to fund the Subsidy (whether to be paid to the Authority for use by others or to be utilized by the Developer in constructing the Subsidized Housing) the Developer shall pay in escrow to the Authority or to a designee of the Authority approved by the Developer (with such approval to be not unreasonably withheld) as follows:

- (i) **From 172 Project profits.** The Developer shall make ten (10) payments each in the amount of Five Thousand (\$5,000.00) Dollars from the sales of the residential units of the 172 Project with the first such payment to be due and payable upon the closing of the sale of the twenty-ninth (29th) unit and with each of the remaining nine instalments being due and payable upon successive closings of the said residential units of the 172 Project.
 - (ii) **From 165 Project profits.** The Developer shall make twenty (20) payments each in the amount of Twenty Thousand (\$20,000.00) Dollars from the sales of residential units of the 165 Project with the first such payment to be due and payable upon closing of the sale of the ninety-fifth (95th) unit and with each of the remaining nineteen installments being due and payable upon successive closings of said residential units but with the entire amount of the unpaid portion of the Subsidy being due and completely payable not later than twelve (12) months from the date of the issuance of the Certificate of use and Occupancy for the 165 Project.
 - (iii) **Interest on Escrow.** All interest earned on such escrowed funds shall be used to supplement the Subsidy and used for the same purpose as the Subsidy.
4. **Boston Plan Effort.** The Developer shall submit a Boston Residents Construction Employment Plan (the "Plan") to the Director of the Authority, which Plan shall set forth in detail the Developer's plans for both the 165 Project and the 172 Project to ensure that its contractors, and those engaged by said contractor for the construction of the Projects,

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shall meet the following Standards (for each of the 165 Project and the 172 Project) on a craft by craft basis: (a) at least fifty percent (50%) of the total employee workers hours in each trade shall be by bona fide Boston residents; (b) at least twenty-five percent (25%) of the total employee worker hours in each trade shall be by minorities; and (c) at least ten percent (10%) of the total employee worker hours in each trade shall be by women. The Developer shall include in the Plan provisions for monitoring, compliance and sanctions. The Developer shall submit a Plan satisfactory to the Director within thirty (30) days of the execution of this Agreement or in no case later than prior to the issuance of a building permit, whichever occurs sooner. Employee worker hours shall include hours spent in on-the-job training and apprenticeship positions.

5. **Limited Liability.** Except as hereinafter provided, the Authority agrees to look solely to the interests of the Developer from time to time in the Projects that are subject to this Agreement, whether owned by the Developer or its successors or assigns, as the case may be, for any claim against the Developer or its successors or assigns arising under this Agreement in connection with the Projects. In the event a default occurs under a mortgage granted by the Developer in connection with either of the Projects and there is a foreclosure sale or a deed in-lieu of foreclosure under which the mortgage or a third party succeeds to the interests of the Developer in said Project, then the obligations under this Agreement, which are outstanding and have not been paid to the Authority as of the date of such foreclosure sale or deed in-lieu of foreclosure, shall not be enforceable against or become obligations of such successor in interest or its interests in the said Project; in such case of a sale of either or both of the Projects however, the obligations hereunder shall become a personal liability of either (i) the Developer and its general partners, or (ii) any successor or assign to which the said Project has been conveyed prior to said default.
6. **Amendment of Agreement; Governing Law.** If the parties agree to amend this Agreement, such amendment shall be in writing and executed by the parties hereto. This Agreement shall be governed by the laws of The Commonwealth of Massachusetts, and sets forth the entire agreement between the parties with respect to the subject matter contained herein. Except as otherwise herein provided this agreement is binding and enforceable under contract law upon, and inures to the

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benefit of, the parties, their successors, assigns, and legal representatives.

7. **Adherence to laws.** The Developer shall keep itself fully informed of all votes of the Authority, City ordinances, executives orders, and regulations, and state and federal law which in any manner affect the provisions of this Agreement. The Developer shall at all times observe and comply with said votes, ordinances, executive orders, regulations or laws and shall protect and indemnify the City and the Authority, its officers, agents and employees against any claim or liability arising from or based upon the violations of such votes, ordinances, executive orders, regulations or laws, caused by any act or omission of the Developer, its agents or employees.
8. **Abandonment of Project(s).** If a building permit is not granted for any part of either the 165 Project or the 172 Project, or if construction of any part of either of the said projects is abandoned after a building permit is obtained prior to the commencement of a "substantial construction", as hereinafter defined, or if a building permit lapses and is not renewed, then the Developer shall have no responsibility for the Housing Grant with respect to either the 165 Project or the 172 Project or any part thereof.

As used herein, the term "substantial construction" shall mean the excavation of the 165 Project site or with respect to either the 172 Project or the 165 Project the construction of any above or below grade structures, but shall not include the demolition of any structures or portions thereof now existing on the Project site.

9. **Notice.** All notices under this Agreement must be in writing and delivered in hand or mailed, postage prepaid, by registered or certified mail, return receipt requested, to the parties at the following addresses:

Authority:

Boston Redevelopment Authority
Director's Office City Hall Square
Boston, MA 02201

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With copies to:

Boston Redevelopment Authority
Chief General Counsel
City Hall Square
Boston, MA 02201

Developer:

TREMONT ONE LIMITED PARTNERSHIP
TREMONT TWO LIMITED PARTNERSHIP
c/o Hall, Davison & Company
20 University Road
Cambridge, MA 02138

With copies to:

John Bok, Esquire
Thomas H. Trimarco, Esquire
Csaplar & Bok
One Winthrop Square
Boston, MA 02110

10. **Change of Applicable laws.** If there shall hereafter be imposed by the City of Boston any contribution, assessment, levy, excise or tax upon either or both of the said Projects, the proceeds of which are dedicated, in whole or in part to the establishment of a fund for purposes recited in this Agreement, amounts payable hereunder by the Developer shall be credited against such contribution, assessment, levy, excise or tax; provided however, that if such crediting shall not be legally permissible to satisfy payment of such contribution, assessment, levy, tax or excise, the obligations of the Developer hereunder, to the extent of the amount of such contribution, assessment, levy, tax or excise shall cease and be of no further force and effect.

EXECUTED on the day and year first above written.

Approved as to Form:

BOSTON REDEVELOPMENT AUTHORITY

Chief General Counsel

by:

Stephen Coyle, Director

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TREMONT ONE LIMITED PARTNERSHIP

by: E. Jackson Hall, General Partner

by: Richard A. Goren, General Partner

by: Thomas Platt, General Partner

TREMONT TWO LIMITED PARTNERSHIP

by: E. Jackson Hall, General Partner

by: Richard A. Goren, General Partner

by: Thomas Platt, General Partner

MEMORANDUM

June 9, 1988

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: WILLIAM D. WHITNEY, ACTING ASSISTANT DIRECTOR
FOR URBAN DESIGN AND DEVELOPMENT
NANCY A. TENTINDO, PROJECT MANAGER
URBAN DESIGN AND DEVELOPMENT

SUBJECT: 165 TREMONT STREET - PARKSIDE EAST

EXECUTIVE

SUMMARY: This memorandum requests that the Authority recommend approval to the Board of Appeal of conditional use permits, a Downtown Interim Planning Overlay District permit, variances for floor area, usable open space, side yard, and parapet setback for the construction of a residential building at 165 Tremont Street.

Tremont Place Realty Trust (the Appellant) seeks three conditional use permits, an IPOD permit, variances for floor area, usable open space, side yard, and parapet setback, and a variance from Article 30 for the construction of 121 units of housing at 165 Tremont Street.

One conditional use permit would allow for a retail catering use on the site. A second conditional use permit would allow some of the 161 parking spaces to be used by residents of the buildings on adjacent lots. Such parking is an ancillary use requiring a conditional use permit. The third conditional use permit would allow some of the 161 parking spaces to be used by operators of the retail space. Such parking is an accessory use in a restricted parking district requiring a conditional use permit.

In addition, the site is located in a Medium Growth Subdistrict within the Downtown IPOD and is proposed at an enhanced height of 155 feet. Therefore, the project requires an IPOD permit. The floor area ratio is proposed at 12.9 which exceeds the maximum enhanced FAR of 10 for the area. Therefore, relief is required from Section 15-1 of the Boston Zoning Code.

The project is architecturally compatible with the surrounding subdistrict. The proposed height of 155 feet is within the enhanced height for projects in this sub-district of the Downtown IPOD and is similar in height to Parkside West. The proposed FAR of 12.9 is in substantial accord with surrounding structures in this sub-district as buildings of equal or greater density currently or will exist on Tremont Street in close proximity to the project. For example, Parkside West, adjacent to the project, has an FAR of 12.29, and Tremont-on-the-Common, also adjacent has an FAR in excess of that proposed for 165 Tremont Street.

Moreover, the proposed design contains characteristics compatible with structures in the surrounding sub-district such as masonry materials, fine detailing, bay windows, a fenestration pattern which emphasizes the building's verticality, a clear division of the building into top, middle, and base, and an active retail street level.

The proposed project also does not meet the requirement of Section 17-1 of the Code which requires 50 feet of usable open space per dwelling unit. In addition, the proposed project does not provide a side yard of approximately 14 feet as required by Section 19-1 of the Code. Also, the proposed project does not meet the requirements of Section 21-1 of the Code which requires setbacks of 14.5 feet on the Tremont-on-the-Common side, 13.6 feet on the Parkside West side and 16.22 feet on the Mason Street side. Therefore, variances are required from all of these provisions.

Variances are necessary because compliance with these code requirements would not result in a building compatible with the surrounding sub-district and in fact, would work to frustrate the development of housing in this sub-district. Permanent zoning is currently being drafted during the interim planning period which will address problems with existing zoning, such as these which frustrate housing development downtown.

The developer also proposes to work with the City of Boston Commission for Persons with Disabilities to fashion an alternative to the provision of Article 30 requiring that five percent of the dwelling units in a project be accessible to the physically handicapped. Therefore, a variance is sought from Section 3 of Article 30.

The proposed project is located on a 8,953 square foot parcel on Tremont Street opposite the Boston Common. The building when completed will contain 121 dwelling units, ground floor retail space, a health club, and a public passageway to the Opera House on Washington Street totaling 115,901 square feet.

From Boston Common, 165 Tremont Street is proposed to appear as three distinct buildings. To the north, a through-block skylit arcade is proposed to provide all-weather passage to the Opera House on Mason Street. Retail uses and a ticket booth for the Opera House would be sited in the arcade. The central portion of the development is proposed at a height of 155 feet to the top of the last occupable floor or 18-stories. Materials proposed include flamed and polished stone, vision and decorative glass panels with bronze frames, and painted pressed metal panels. To the south, a new eight-story wing is proposed as a modulated glass facade which would include a 3500-square foot health club, with residential units above. Additional retail uses would occupy the ground floor of the project along Tremont Street.

165 Tremont Street is currently being reviewed under the Article 31 process. A Preliminary Adequacy Determination was issued on May 31, 1988. As specified by Article 31, the developer is required to submit a Final Project Impact Report which must address the concerns raised in the Preliminary Adequacy Determination. In this regard, it is noted that the Friends of the Public Garden and Common have submitted letters expressing concerns about the project's design, shadow impacts and public accessibility. These concerns must be addressed in the submitted Final Project Impact Report. This would be followed by a Final Adequacy Determination from the Authority.

Based on the developer's Draft Project Impact Report, the positive recommendations for the grant of zoning relief at this time are appropriate. The major outstanding issues identified in the Preliminary Adequacy Determination include the need for an accurate description of the project's impact on infrastructure systems and a better detailed parking plan. Both these issues can be adequately addressed in the remainder of the Article 31 process, the Final Project Impact Report, and the Adequacy Determination.

Parkside East at 165 Tremont Street is one of three adjacent Parkside residential developments proposed for Tremont Street by related development entities. Parkside West at 170 Tremont Street is a 93-unit project currently under construction. Parkside at Mason is proposed 38-unit development at 172 Tremont Street.

Approximately 161 parking spaces are proposed in four underground levels at 165 Tremont Street. However, parking is proposed to be allocated according to the overall demand among residents of the three Parkside buildings irrespective of which building the purchaser resides in. Thus, the basements of the three Parkside developments will be connected below-grade. 172 Tremont Street will connect to 170 Tremont Street via a new tunnel under Mason Place. Similarly, the 165 Tremont Street garage would be connected below-grade to the garage of 170 Tremont Street.

In total, there will be 268 parking spaces, seven of which are for the use of the retail owner/operators, and 252 dwelling units in the three Parkside buildings.

Vehicular access is proposed to occur via a porte cochere shared between Parkside West and East located on Mason Street, and parking would be by valet only. This entry would serve the Parkside at Mason project as well. In addition, to reduce car ownership and usage, an on-call car rental service would be made available to residents.

This project is consistent with the Authority's efforts to promote housing in this District. In addition, the developer proposes to enter into an Agreement to increase the supply of affordable housing in Boston. The developer has agreed to provide a voluntary housing contribution which totals \$500,000 with respect to both this project and the proposed Parkside at Mason project. Of this amount, \$50,000 will be directed toward assisting homeless persons, and \$450,000 will be directed to the Neighborhood Housing Trust for the purpose of constructing off-site affordable housing in the Chinatown neighborhood area.

Residential and retail condominium owners shall each contribute \$10.00 per month per unit to be used for the maintenance and upkeep of the Boston Common along Tremont Street. In addition, the developer proposes to improve the landscaping on adjacent public sidewalks on Tremont, Avery, and Mason Street with new pavement, trees, and lighting.

Approval of the conditional use permits, IPOD permit, and variances would be conditioned upon the continued review and approval of the proposed design by the Authority and subject to the completion of the Article 31 development review process

June 9, 1988

The project is also subject to review by the Parks and Recreation Commission pursuant to Section 11 of The Ordinance Relative to Restrictions on Park Frontages in the City of Boston.

Letters of support for the project from various organizations are attached.

Appropriate votes follow:

VOTED: In reference to petition Z-11793, 165 Tremont Street, Boston, for conditional use permits under Section 8-7 Use #71 for ancillary parking, Section 8-7 Use #72 for accessory parking for retail use, and Section 8-7 Use #36A for retail catering, for an IPOD permit under Section 27D-5, variances under Section 15-1 for floor area, Section 17-1 for usable open space, Section 19-1 for side yard, and Section 21-1 for parapet setback, the Authority recommends approval with the following provisos: that the proponent submit a Final Project Impact Report as required under Article 31 and that the Authority issue a Final Adequacy Determination in reference to said report prior to the Board of Appeal hearing. ~~With respect to the proponent's request for a variance from Section 3 of Article 30, the Authority specifically withholds a recommendation given the proponent's ongoing discussions with the Commission for Persons with Disabilities regarding alternative provisions for complying with the intent of Article 30.~~

VOTED: { That the Director is authorized to execute a Housing and Employment Agreement for the creation of off-site affordable housing units substantially in the form attached hereto, with such changes as the Director of the Authority deems appropriate.

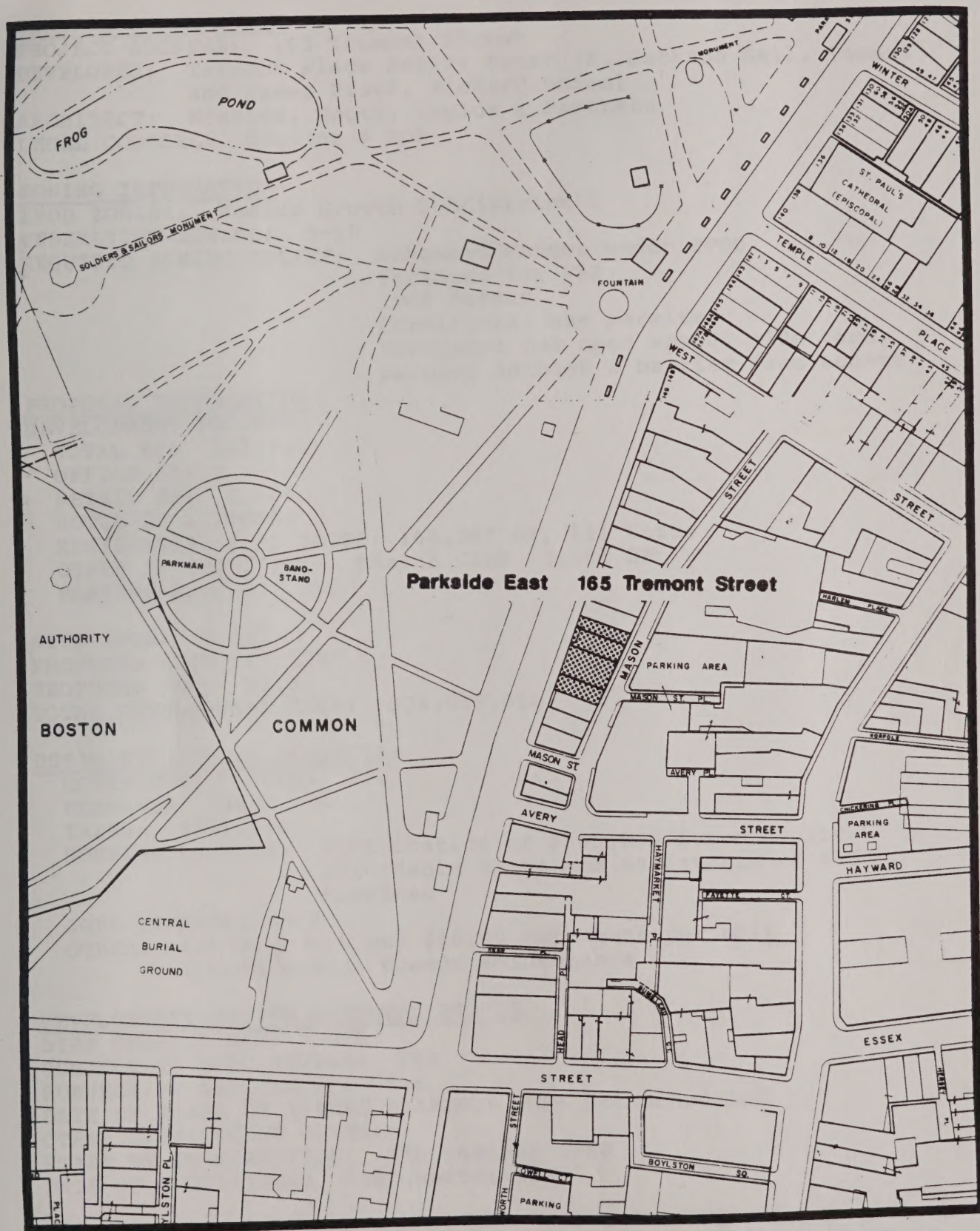
Ⓐ subject, however, to delayed written approval
by the Board of the DPA, which approves, the
Board expressly reserves. —

② Subject known to ^{as known} of a plan
for handi-capped bus, Sept 19th 1968

③ ~~Subject to as known of a plan~~
~~bus, Sept 19th 1968~~

SITE PLAN:

Parkside East 165 Tremont Street



PARKSIDE EAST
(165 Tremont Street)

GENERAL INFORMATION

PROJECT ADDRESS: 165 Tremont Street
DEVELOPER: Tremont Place Realty Trust (E. Jackson Hall, Thomas
and James Piatt, Richard Goren)
ARCHITECT: Hoskins, Scott, Taylor & Partners
LEGAL COUNSEL: Csaplar & Bok

ZONING INFORMATION

IPOD ZONING: Medium Growth Subdistrict L
UNDERLYING ZONING: B-10
REQUIRED ZONING RELIEF: Enhanced Height under IPOD
Variance for FAR
IPOD Permit
Conditional use permits
Variances for open space, side yard,
parapet setback & barrier free access

PROPOSAL INFORMATION

DEVELOPMENT PROGRAM

TOTAL SF: 115,901
OFFICE SF: 0
RETAIL SF: 3,103
HOTEL SF & ROOMS: 0
RESIDENTIAL SF & UNITS: 109,297 SF, 121 Units
OTHER SF (SPECIFY): Health Club 3,501 SF
PARKING SPACES: 161

SITE AREA: 8,941
PROPOSED HEIGHT: 155'
PROPOSED FAR: 12.9
TOTAL DEVELOPMENT COST: \$34,058,000

ESTIMATED PUBLIC BENEFITS:

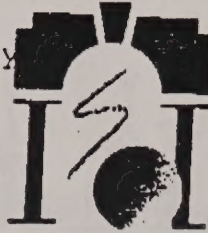
CONSTRUCTION JOBS: 332
PERMANENT JOBS: 16
TAXES: \$391,611
HOUSING LINKAGE: Contribution of \$500,000 for off-site
affordable units and assistance of the
homeless
JOBS LINKAGE: N/A
OTHER: Condo owners pay \$10.00 per month per unit
toward Boston Common maintenance

DEVELOPMENT REVIEW APPROVAL STATUS

DIPP HEARING DATE: N/A
SUBJECT TO BCDC REVIEW: Yes
SUBJECT TO ARTICLE 31: Yes
DATE OF BOARD OF APPEAL HEARING: Not yet scheduled
OTHER SIGNIFICANT DATES:
START OF CONSTRUCTION: 4th quarter 1988
DATE OF COMPLETION: 2nd quarter 1990

STATUS: Schematic; PNF submitted October 27, 1987; Scoping Determination issued November 25, 1987; DPIR submitted March 18, 1988; Adequacy Determination issued May 31, 1988.

Tremont One Associates
c/o Hall, Davison & Company



INSPECTIONAL
SERVICES
DEPARTMENT
CITY OF BOSTON

DATE: April 19, 1988

NAME: _____

ADDRESS: 20 University Road
Cambridge, MA 02138

LOCATION: 165 W.L. 5/3/88
Tremont Street

APPLICATION NO. 3851

CORRECTION AUTHORITY

W.L. 5/3/88
THIS DATE

DATE FILED: 04/13/88

WARD: 01 ZONE: B-10

RESIDENTIAL: _____ COMMERCIAL: _____

YOUR APPLICATION IS HEREBY REFUSED AS SAME WOULD BE IN VIOLATION OF THE BOSTON ZONING CODE
TO WIT: CHAPTER 665, ACTS OF 1956 AS AMENDED: ARTICLES:

W.L. 5/3/88
THIS DATE

1010	☒	Section 8-7 Use Item# 71 (CONDITIONAL)
Massachusetts	☒	Section 8-7 Use Item# 72 (CONDITIONAL)
Avenue	☒	Section 8-7 Use Item# 36-A (CONDITIONAL)
5th floor	☐	Section 8-7 Use Item#
Boston	☐	Section 7-4 IN VARIANCE WITH A FORMER DECISION OF THE BOARD OF APPEAL.
Massachusetts	☐	Section 9-1 EXTENSION OF STRUCTURAL CHANGE TO A NON-CONFORMING USE.
02-16	☐	Section 9-2 CHANGE IN A NON-CONFORMING USE.
02-442-0046	☐	Section 10-1 OFF STREET PARKING IS NOT ALLOWED WITHIN THE FRONT NOR SIDE YARD.
	☐	Section 14-1 LOT AREA IS INSUFFICIENT.
	☐	Section 14-2 LOT AREA FOR ADDITIONAL DWELLING UNITS IS INSUFFICIENT/NOT PROVIDED
	☐	Section 14-3 LOT WIDTH IS INSUFFICIENT.
	☐	Section 14-4 LOT FRONTAGE IS INSUFFICIENT.
	☒	Section 15-1 FLOOR AREA IS EXCESSIVE.
	☐	Section 16-1 HEIGHT OF BUILDING IS EXCESSIVE.
	☐	Section 16-8 RESTRICTED ROOF STRUCTURE DISTRICT.
	☒	Section 17-1 USABLE OPEN SPACE IS INSUFFICIENT.
	☐	Section 18-1 FRONT YARD IS INSUFFICIENT.
	☐	Section 18-3 TRAFFIC VISIBILITY ACROSS CORNER IS INSUFFICIENT.
	☐	Section 18-4 FRONT YARD (OTHER STREET) (S) IS INSUFFICIENT.
	☒	Section 19-1 SIDE YARD IS INSUFFICIENT.
	☐	Section 20-1 REAR YARD IS INSUFFICIENT.
	☒	Section 21-1 SET BACK OF PARAPET IS INSUFFICIENT.
	☐	Section 23-1 OFF STREET PARKING FACILITIES ARE INSUFFICIENT.
	☐	Section 24-1 OFF STREET LOADING FACILITIES ARE INSUFFICIENT.
	☒	ARTICLE 27 IPOD--INTERM PLANNING OVERLAY DISTRICT.
	☒	OTHER 30-3 BARRIER FREE ACCESS Section 27D-5 DOWNTOWN

USUAL OF A PERMIT MAY BE APPEALED TO THE BOARD OF APPEAL WITHIN FORTY-FIVE (45) DAYS,
PURSUANT TO CHAPTER 665 OF THE ACTS OF 1956, AS AMENDED THROUGH APRIL 1963.

THE COMMISSIONER,
Ellen Pinkos
Acting Zoning Admin.

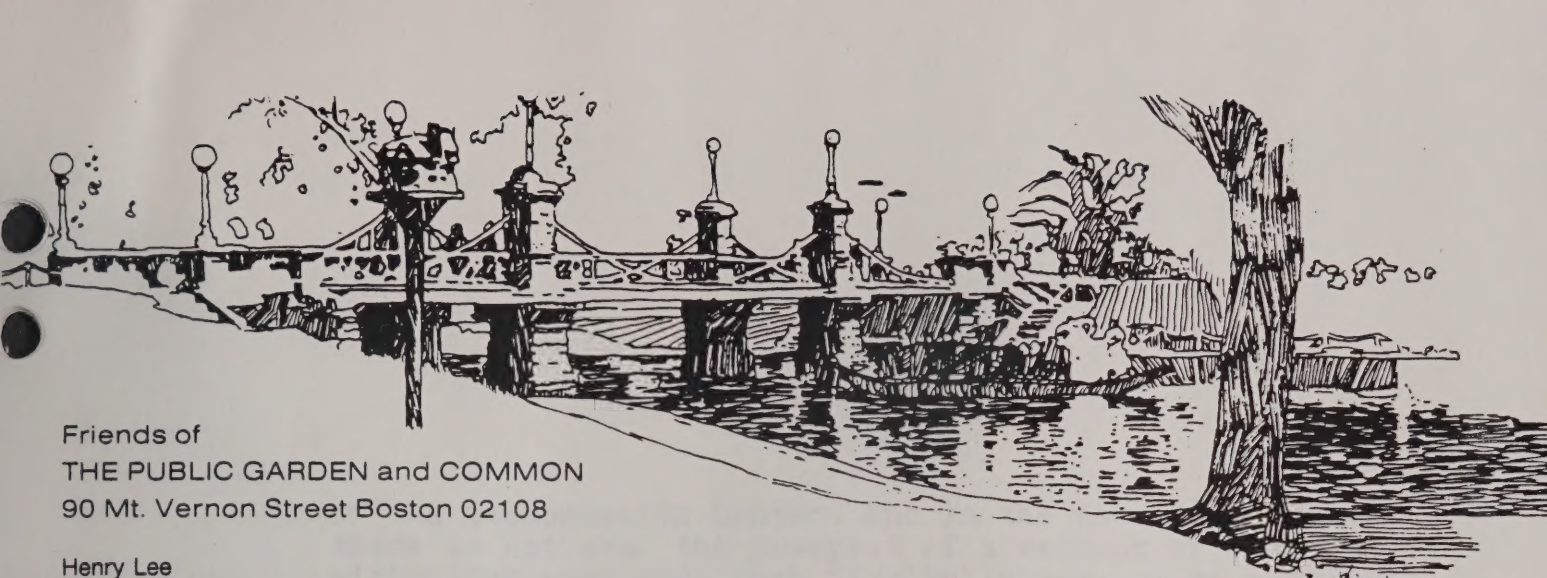
FOR THE COMMISSIONER,
Russell Forsberg
Asst. Zoning Admin.

FOR THE COMMISSIONER,
Wilfredo Lopez
Asst. Zoning Admin.

ZONING IS CLOSED TO THE PUBLIC ON WEDNESDAYS AND FRIDAYS.

Raymond L. Flynn

William Sommers



Friends of
THE PUBLIC GARDEN and COMMON
90 Mt. Vernon Street Boston 02108

Henry Lee
President

Mrs. William B. Trafford
Vice-President

Richard G. Scheide
Treasurer

Mrs. John D. Harmer
Secretary

Mrs. G. Kennard Wakefield
Ch. Horticultural Committee

June 1, 1988

Mr. William Whitney
Boston Redevelopment Authority
City Hall, Ninth Floor
Boston, MA 02201

Dear Mr. Whitney:

Directors

China Altman
Eugenie Beal
Dolores Billings
Daniel J. Coolidge
Ronald M. Druker
Edwin I. Firestone
Maurice E. Frye, Jr.
John T. Galvin
Mrs. Michael Hume
Warren A. Johnson
Thomas Kershaw
Harriet Lewis
Mrs. George M. Lovejoy, Jr.
June McCourt
Mrs. A. McVoy McIntyre
Marge Miller
J. Marcus Mitchell
Barbara W. Moore
Ann Dins Nemrow
Mrs. Roger A. Saunders
David M. Solomon
Dana E. Vannasse
Cynthia A. Wall
Mrs. Thomas E. Weesner
Richard Wheatland
Richard White
Frederick R.H. Witherby

Honorary Directors

Mrs. Donald C. McKay
Edward A. Weeks

Enclosed is a copy of the letter we have written to Scott Levitan in response to his request for support of Hall Davison's forthcoming submission to the BRA regarding the buildings at 165 and 172 Tremont Street. As you know, from our letter of last fall, we support the Parkside project in principle and believe that it will enhance the district in many important ways.

We have two broad reservations. The first concerns various aspects of design and utilization. These, we hope, the BRA will seriously consider in its design review. The second concerns shadow impacts. We strongly urge that before approving the height and massing in 165 Tremont Street (Parkside East) and before you authorize further planning for the Commonwealth Center, you undertake a study of the combined shadow effects of these projects (all six buildings) on the Common. One may demonstrate that the shadow on the Common of an individual building will be transient much of the year, but we cannot make a judgment on one proposal without knowing the total impact of all the planned structures. If the effect, as we suspect, is to darken for any appreciable time the most active part of the Common, it is a grave disservice to the general public and in the long run to the residents of buildings on or near Tremont Street.

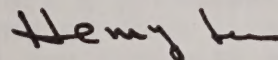
In this connection, we deplore the BRA's apparent willingness to permit, by various devices, heights along Tremont Street in excess of 155 feet, as in the case of 165 Tremont and the proposed hotel-residential tower of

of the Commonwealth Center. And in the former instance there is not even the prospect of a setback or other mitigating measures. Such flat buildings, as we know too well from Tremont-on-the-Common, also increase the wind conditions in an already windy section. In both of these projects, Hall Davison and F.D.Rich, we are not persuaded that the need for renewal and residential components cannot be met without impinging in so devastating a manner on the one green space available to most people living and working in downtown Boston.

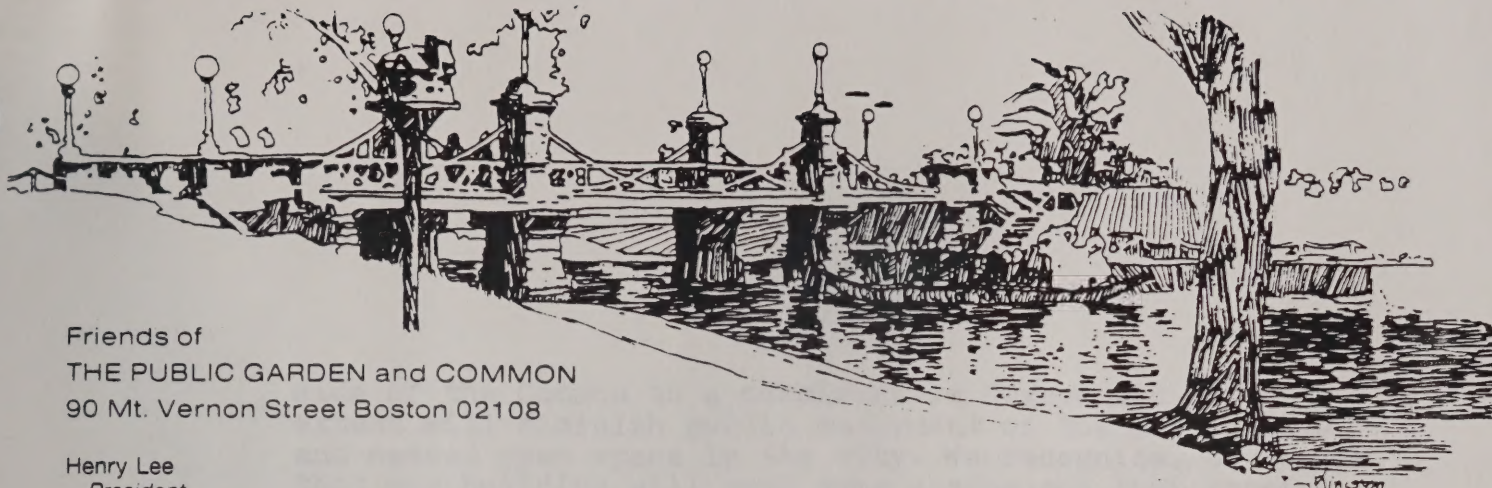
One further question that we hope you will study carefully before granting approval to the Parkside buildings is that of access. As presently envisaged, these buildings will pose a considerable barrier along Tremont Street between the downtown communities and the Common. It seems to us of paramount importance that sufficient pedestrian ways be maintained to assure access at all times and without intimidating conditions of wind and public safety.

As plans develop, we look forward to further discussions on these two projects both directly and as part of the Midtown/Cultural District Task Force.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Henry Lee", with a stylized flourish at the end.

Henry Lee



Friends of
THE PUBLIC GARDEN and COMMON
90 Mt. Vernon Street Boston 02108

Henry Lee
President

Mrs. William B. Trafford
Vice-President

Richard G. Scheide
Treasurer

Mrs. John D. Harmer
Secretary

Mrs. G. Kennard Wakefield
Ch. Horticultural Committee

May 31, 1988

Mr. Scott Levitan
Hall Davison & Company
20 University Road
Cambridge, MA 02138

Dear Scott,

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Dolores Billings
Daniel J. Coolidge
Ronald M. Druker
Edwin I. Firestone
Maunce E. Frye, Jr.
John T. Galvin
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Cynthia A. Wall
Mrs. Thomas E. Weesner
Richard Wheatland
Richard White
Frederick R.H. Witherby

Honorary Directors

Mrs. Donald C. McKay
Edward A. Weeks

We have not been able to study in detail the plans you recently sent us concerning the proposed buildings at 165 and 172 Tremont Street. However, bearing in mind your need for a response prior to your presentation to the BRA Board, there follow some general comments on the two projects and the development as a whole.

We have no objection to the height and massing of 172 Tremont and are pleased, among other things, with the arrangement proposed for garage access and space. We have some questions with respect to the passage adjacent to the building. From the plans which show a solid barrier at the Tremont Street entrance, it is not clear whether this is in fact a passageway. We wonder, too, whether wind conditions at this site will not be intimidating and the trees you indicate will not face a daunting existence. The two small retail spaces on either side of the entrance also raise questions as to their specific use, signage, and other matters. The design considerations, however, can be discussed, we assume, as plans for the project proceed.

Regarding Parkside East (165 Tremont) our concerns are more serious. As you know, we have worked for many years to retain the height limit of 155 feet for buildings along Tremont Street, primarily to protect the Common from increased wind and shadow. This building exceeds the limit by at least twenty feet and does so without setbacks or other means of mitigating shadow impacts. As the studies indicate, the three buildings together will increase the shadow effects across the Tremont

side of the Common to a considerable degree and to that extent will diminish public enjoyment of the most active and needed open space in the city. We recognize, of course, that any building will cast some shadow and that renewal of the area and introduction of residential properties will carry certain benefits to the district. But the balance is a vital one, for the appreciable darkening of that sector of the Common would not only be a disservice to the public but a detriment to the revival and quality of the neighborhood, something much in your interest.

On the matter of the FAR for Parkside East, we understand that an increase to 12.9 does not affect the height and massing of the building but only the number of floors. Accordingly, we would not oppose your obtaining a variance. We suspect, however, that the lower FAR would give you (and us) a better and more attractive building with improved ceiling heights. Another solution, perhaps more pleasing to us than to you, would be to obtain the increased FAR and lower the building one story.

With respect to design, again we assume that plans will be subject to ongoing consideration. Viewing the model, we noted a number of improvements for Parkside East. Nonetheless, the general concerns for the project as a whole mentioned in my letter of November 2, 1987 still apply. To repeat one point, we applaud your effort to avoid a monolithic effect and to give each building a character of its own. But we continue to believe that in materials and styles you have gone too far in the other direction, presenting in effect a sort of historical review. This is particularly true of the infill structures and the use of glass as a primary sheathing material.

We have some questions still about the opera passage--its style, use, maintenance, and dimensions (so high and so narrow). Since the opera, if it continues at all, will operate only occasionally, can the passage be made an active space the rest of the time? If not closed, can you assure maintenance and public safety. And if you close it, as the entrance gate implies, can you maintain the amenities you propose? Can the restaurant deal successfully with such a narrow quarters? Can you staff the box-office? And looking at the two passages, this and the one next to 172, can you avoid the creation of a barrier across Tremont Street between the Common and downtown residents like the Chinese community. The design of the entrance, too, poses questions of style raised by others.

MASON PLACE
★ RESIDENT COUNCIL ★
80 MASON STREET
BOSTON, MASSACHUSETTS 02111

May 19, 1988

Robert Farrell, Chairman
BRA Board
1 City Hall Square
Boston, MA 02201

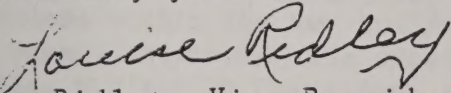
Dear Mr. Farrell:

At a meeting of this council on May 17, 1988, the members voted to support the two projects of Hall, Davison & Co. at 165 and at 172 Tremont Street.

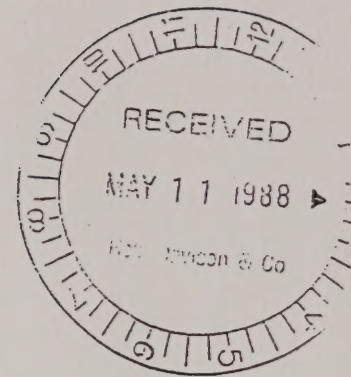
Two concerns of the residents were expressed and it was voted to include these in this letter. The first concern is regarding the television reception for this building which may or may not be affected by this construction. If a problem should occur, it is hoped that the contractor would resolve it. The second concern is the wind velocity on Mason Street which may affect the mobility of our residents who are for the most part elderly and/or handicapped. Because of the narrowness of the street and the height of the buildings, the wind velocity could be affected. Again, we would expect that the contractor would resolve this problem as well.

Our relationship with the Hall, Davison & Co. has been one of cooperation. At our meeting on May 17, none of the residents who attended expressed any concerns or criticism of the Hall, Davison & Co. operation up to the present time, other than the two stated in the above paragraph. As a matter of fact, they have kept us informed of their progress as the construction has proceeded.

Respectfully yours,



Louise Ridley, Vice President
(acting President)



Greater Boston
Chamber of Commerce
600 Atlantic Avenue
Boston, MA 02210-2200
(617) 227-4500

May 10, 1988

Mr. Robert Farrell, Chairman
Boston Redevelopment Authority Board
Boston City Hall, 9th Floor
Boston, MA 02201

Dear Mr. Farrell:

On behalf of the Greater Boston Chamber of Commerce, this is to state our support for two residential projects proposed for 165 Tremont and 172 Tremont Street. As you are aware, the Chamber's Center City Task Force -- a coalition of area businesses, residents, cultural institutions and community associations -- has been promoting the economic and physical revitalization of the area for the past seven years.

Both buildings whose heights are within the zoning regulations of the downtown IP0D will add needed housing to the area. Ground floor retail and a passageway from Tremont Street to Mason Street connecting to the back of the Opera House will compliment the two structures and add a distinctive element to the neighborhood. When there are no performances at the Opera House, the passageway will accommodate a cafe so that the space will not be inactive.

There will be numerous other benefits to be derived from the projects including 385 construction jobs; 18-24 jobs in the retail shops and 8-12 staff positions within the two buildings to be filled by local residents, minorities and women; extensive site improvements; a contribution of \$500,000 to a residential project in Chinatown; and a \$10 per month contribution by each condominium owner to the Boston Common Maintenance Fund.

Given the guidelines for the Midtown/Cultural District, the development projects at 165 and 172 Tremont Street will positively maintain current area uses through the provision of upgraded residential space. The proposed developments are consistent with good urban design and make a positive contribution to the economic vitality of the neighborhood. We urge your favorable consideration of the Parkside projects and recommendation to the Zoning Board of Appeals.

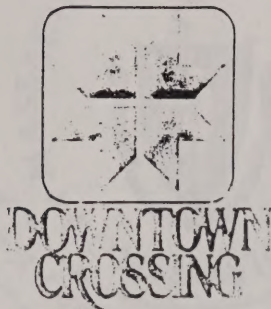
Sincerely,

Simone Auster
Vice President,
Community Development

SA/gl

Downtown Crossing Association
59 Temple Place
Boston, Massachusetts 02111
(617) 482-2139

Bethany B. Kendall
Executive Vice President



May 16, 1988

Mr. Stephen Coyle
Director
Boston Redevelopment Authority
Boston City Hall
Boston, MA 02201

Dear Mr. Coyle:

I am writing on behalf of the Downtown Crossing Association to express our support for the proposed residential development at 165 and 172 Tremont Street. In combination with 170 Tremont Street, the Parkside complex will significantly expand the residential community within the Downtown Crossing area bringing us closer to realizing our goal of a vital 18 hour downtown.

Both of these buildings meet the height requirements of the downtown IPOD and complement the area through design elements and materials that add architectural interest as well as active retail uses on the ground level. A passageway from Tremont Street through to the Opera House will strengthen a connection to the Cultural District and enhance the pedestrian environment. Additionally, the Boston Common will benefit by a maintenance fund supported by project generated fees.

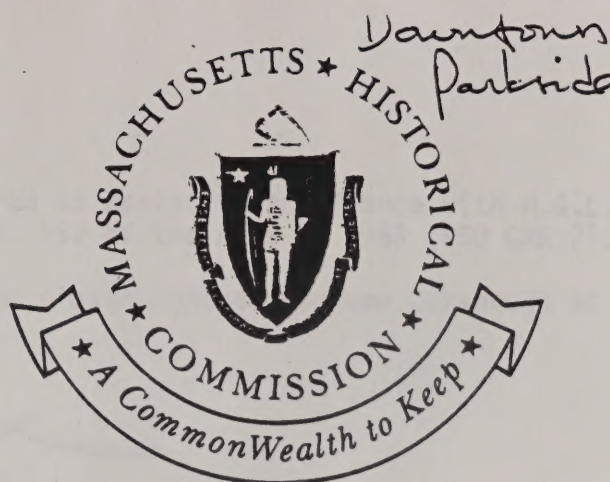
The Parkside development will make a substantial contribution to the revitalization and economic growth of our downtown neighborhood. It is our hope that you will favorably consider a recommendation to the Zoning Board of Appeals to enable this important project to move forward.

Sincerely,

A handwritten signature in cursive script, reading "Bethany B. Kendall", is written over the typed name.

Bethany B. Kendall

BBK/r



May 10, 1988

Scott Levitan
Tremont One Associates
Hall Davison and Company
20 University Road
Cambridge, Massachusetts 02138

Re: Parkside East, 165 Tremont St., Boston, MA

Dear Mr. Levitan:

Thank you for the opportunity to review the 165 Tremont Draft Project Impact Report. The report adequately identifies the existing historic resources within the project's area of potential impact. However, several of the properties are designated incorrectly on the Historic Landmark Map. Specifically, the Boston Common and Public Garden, the Piano Row Historic District, the West Street Historic District and the Liberty Tree Historic District are listed National Register districts. The Young Men's Christian Union and the Boylston Building are individually listed on the National Register of Historic Places and are designated Boston Landmarks. The Boston Edison Electric Illuminating Company is individually listed on the National Register. Finally, the Liberty Tree Building and the Saxon Theatre are Boston Landmarks.

After a review of the Draft Project Impact Report and the information conveyed at our meeting of December 17, 1987, the following comments are offered. The MHC agrees that the treatment of the project site as three distinct buildings is appropriate and consistent with the development of Tremont Street. However, MHC has concerns with the treatment of the east and west ends of the site. As we discussed at our meeting, the use of glass on the west "art deco" building is not a recommended material. The Boston Common and Public Garden are noted for their being bordered by masonry structures. There is no precedent for a glass building at this prominent site. MHC recommends alternative materials be considered for this structure. Finally, MHC reiterates our concerns regarding the design of the Opera House entrance. While the function of the corridor may warrant more formal treatment of the facade, MHC maintains that the architecture should read as new and contemporary, or be a true replication of the original entrance. The current design, while eclectic in origin, historicizes the original Opera House entrance.

880520-009

Massachusetts Historical Commission, Valerie A. Talmage, *Executive Director, State Historic Preservation Officer*
80 Boylston Street, Boston, Massachusetts 02116 (617) 727-8470

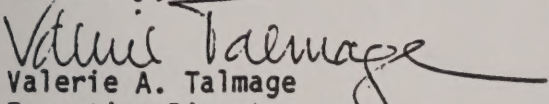
Office of the Secretary of State, Michael J. Connolly, *Secretary*

BOSTON

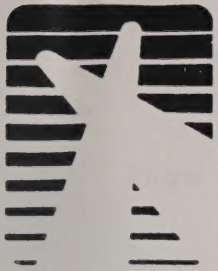
These comments are offered to assist in compliance with M.G.L. Ch. 9, ss. 26-27c, as amended by Ch. 152 of the Acts of 1983 (950 CMR 71.00).

If you have any questions please contact Maureen Cavanaugh at this office.

Sincerely,


Valerie A. Talmage
Executive Director
State Historic Preservation Officer
Massachusetts Historical Commission

cc: Judy McDonough, Boston Landmarks Commission
Susan Park, Boston Preservation Alliance
Stephan Coyle, Boston Redevelopment Authority



**BOSTON
THEATRE
DISTRICT
ASSOCIATION**

216 Tremont Street, Boston, MA 02116 (617) 338-6643

May 17, 1988

Stephen Coyle, Director
Boston Redevelopment Authority
Boston City Hall, 9th Floor
Boston, MA 02201

Dear Mr. Coyle:

On behalf of the Board of Directors of the Boston Theatre District Association, I am writing to indicate our support of the proposals by Tremont One Limited Partnership for developments at 165 and 172 Tremont Street in the Theatre District.

The completion of the three-building Parkside project with its 250 residential units will firmly establish the area as a 24 hour neighborhood. Retail shops and services within the buildings can be expected to attract not only residents but also consumers from throughout the midtown area. Their success will increase the likelihood of expanded retail activity in the District.

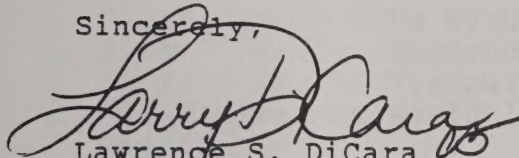
Careful attention has been paid in the planning process to community concerns. The distinctive design of each building will contribute to the architectural diversity along Tremont Street. A passageway from Tremont Street to Mason Street will provide access to the Opera House, supportive of the goals of the City's plans for a Midtown Cultural District.

The proponents of the projects have been active members of the Boston Theatre District Association, sponsoring our newsletter and the 1987 Sho-Biz Ball. Their interest in and commitment to the neighborhood are further evidenced by financial support of housing for the Chinese community, the Boston Night Center and the Boston Common. The City will continue to benefit from the \$10 monthly contribution by each condominium owner for future maintenance of the Common.

Page 2

In its eleven year history, the Boston Theatre District Association has consistently supported projects which we believe will enhance the unique character of the neighborhood. We are very enthusiastic about the positive impact these projects will have on our re-emerging area, and strongly urge your favorable consideration and recommendation to the Board of Zoning Appeals.

Sincerely,


Lawrence S. DiCara
President

TREMONT ON-THE-COMMON

CONDOMINIUM • 151 TREMONT STREET • BOSTON, MASSACHUSETTS 02111 • 423-7000

May 23, 1988

Mr. Robert Farrell - Chairman
Boston Redevelopment Authority
City Hall
Boston, MA

Dear Mr. Farrell:

The Trustees of Tremont-on-the-Common have spent considerable time with Hall, Davison & Company reviewing plans for the construction of the second phase of Parkside, located at 165 Tremont Street adjacent to our building. In general, we would like to express our support for this project.

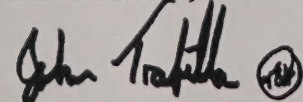
To alleviate a major concern, Hall Davidson has agreed to provide corroborative evidence to demonstrate that emissions from their rooftop equipment will not produce a health nuisance to TOC residents in adjacent units. Our technical personnel are scheduled to meet with them to review their plans to ensure this.

We have a continuing concern, however, with the increased traffic in the area. West Street and Mason Street, which our service vehicles use, are already heavily congested - a problem compounded by the great number of state vehicles parked on Mason Street, and a short traffic light signal at West and Tremont Streets. It is our opinion that these problems could be greatly relieved by city action to ban parking on these streets and adjust the timing of the traffic light.

Our final concern is traffic disruption during the construction of this phase of Parkside. Hall, Davison is working hard to minimize this problem, and we would encourage all efforts by the BRA to ensure that as little disruption to the public, and TOC residents, as possible occur.

We have found Hall, Davison to be responsive to our concerns at TOC, and we look forward to welcoming our new neighbors in the Mid-Town Cultural District.

Sincerely,



John Trefethen
Trustee
Tremont-on-the-Common

cc: Parkside Condominium